

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 45447 of 2014

Arising out of P.S. Case No. -910 Year- 2010 Thana -ROHTAS
COMPLAINT CASE District- SASARAM (ROHTAS)

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1. Jitendra Pandey S/o Late Ram Sigashan Pandey.
 2. Shushila Devi W/o Jitendra Pandey Resident of Village- Badiha,
P.S.- Indrapuri, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Rachna Pandey D/o Madan Kumar Dubey R/o Village- Nauhata,
P.S.- Nauhata, District- Rohtas.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Tripathy, Adv.

For the Opposite Party/s : Mrs. Sucheta Yadav, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 16-04-2015

The Petitioners who were the parents-in-law of the Opposite Party No. 2 seek quashing of the order of cognizance dated 19.01.2012 passed by the Sub-Divisional Judicial Magistrate, Sasaram in Complaint Case No. 910 of 2010.

The case of the Complainant is that she was married to the son of the Petitioners on 12.03.2000 whereafter she started living with her husband at Ghaziabad and the in-laws who then demanded dowry and tortured her for non-fulfilment of the same.

It has been submitted on behalf of the Petitioners that fact of the matter is that after the marriage between the son of the Petitioners and the Opposite Party No. 2 they had been residing at Dehri and

thereafter at Ghaziyabad and the Petitioners never lived with them. The husband, because of differences in the marriage, filed application under Section 13 of Hindu Marriage Act before the Principal Judge, Family Court, Rohtas at Sasaram vide Matrimonial Case No. 49 of 2009 and has also deposited a sum of Rs. 25,000/- for reconciliation of the matter. It appears that it is on account of some incompatibility between the parties that the present Complaint was filed after the husband filed a suit for divorce.

On the last occasion, notices had been issued to the Opposite Party No. 2 but despite service of notice upon the Counsel appearing on her behalf in the Court below she has chosen not to appear before this Court.

Considering the facts and circumstances of the case and the nature of allegations against the Petitioner, the proceeding including the order of cognizance dated 19.01.2012 passed by the Sub-Divisional Judicial Magistrate, Sasaram in Complaint Case No. 910 of 2010 is, hereby, set aside so far so the Petitioners are concerned.

The Application stands allowed.

(Anjana Prakash, J.)

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